

**UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
Plaintiff,	)	<b>3:08-cr-00121JWS</b>
	)	
vs.	)	<b>ORDER FROM CHAMBERS</b>
	)	
<b>CASSERO LENELL WASHINGTON,</b>	)	<b>[Re: Motion at docket 36]</b>
	)	
Defendant.	)	
_____	)	

**I. MOTION PRESENTED**

At docket 36, defendant Washington moved to suppress evidence obtained from the search of a Chevy Tahoe pursuant to a state search warrant. He argues the warrant application was fatally defective, because it included insufficient information to show probable cause to search the vehicle, and so the officer executing the warrant could not have properly relied upon it. The motion was fully briefed, and Magistrate Judge Longenbaugh heard oral argument. Thereafter, she filed an initial report and recommendation at docket 60 recommending that the motion be denied. Washington filed timely objections at docket 61 to which the government responded at 62. At docket 65, the magistrate judge continues to recommend that the motion be denies.

**II. STANDARD OF REVIEW**

The district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.”<sup>1</sup> When reviewing a magistrate judge’s

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<sup>1</sup>28 U.S.C. § 636(b)(1).

report and recommendation in a case such as this one, the district court conducts *de novo* review of all conclusions of law,<sup>2</sup> and any findings of fact to which objections have been taken.<sup>3</sup> Uncontested findings of fact are reviewed for clear error.<sup>4</sup>

### **III. DISCUSSION**

This court has applied the standard of review set out above. Having done so, this court concludes that the recommended findings of fact are in all respects correct. Furthermore, Judge Longenbaugh's well reasoned discussion and application of the pertinent law is correct. For these reasons, this court adopts her recommended findings of fact and conclusions of law. Based thereon, the motion at docket 36 is **DENIED**.

DATED at Anchorage, Alaska, this 23<sup>rd</sup> day of July 2009.

/s/ JOHN W. SEDWICK  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>*Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989), *overruled on other grounds by Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996).

<sup>3</sup>28 U.S.C. § 636(b)(1).

<sup>4</sup>*Taberer v. Armstrong World Industries, Inc.*, 954 F.2d 888, 906 (3d Cir. 1992).